

Appl. No. 09/975,186
Amdt. dated 02/04/2005
Reply to Office Action of 11/04/2004

REMARKS

Claims 1 - 36 are pending in the present Application. In the above-identified Office Action, the Examiner rejected Claims 1 - 9 under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Claims 1, 2, 6, 10, 11, 15, 19, 20, 24, 28, 29 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by Blinn et al. Claims 3 - 5, 7 - 9, 12 - 14, 16 - 18, 21 - 23, 25 - 27, 30 - 32 and 34 - 36 were rejected under 35 U.S.C. §103(e) as being unpatentable over Blinn et al.

Applicants have amended Claims 1, 2, 10, 11, 19, 20, 28 and 29 to correct some typographical/grammatical errors. Independent Claims 1, 10, 19 and 28 were amended to better claim Applicants' invention. In addition, Applicants have amended Claim 1 to overcome the 101 rejection made to Claims 1 - 9. For the reasons stated more fully below, Applicants submit that the present claims in the Application are allowable over the applied reference. Hence, reconsideration, allowance and passage to issue are respectfully requested.

As stated in the SPECIFICATION, in recent years, the World Wide Web has been used more and more in commerce (i.e., electronic or e-commerce). Many Web servers have been developed that allow vendors to advertise and sell products. The products may include items (e.g., software such as application programs, music) that may be delivered electronically to a purchaser over the Internet as well as items (e.g., hardware such as computer hardware, books) that are delivered through conventional distribution

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channels (e.g., by the Post Office, United Parcel Service etc.).

Ordinarily, an electronic version of a catalog, posted on the Internet (i.e., stored on a server computer system), provides a list of available items. A user or potential purchaser may browse through the catalog using a Web browser and select various items. Each time an item is selected, it is added into an electronic version of a shopping cart. When the user is ready to check out, the cumulative prices of the selected items are summed up. Any discount that the user may be entitled to is then computed off the sum. Then, sales tax, when applicable, and cost for shipping, are added up to the cumulative price of the items to arrive at the total amount of money the user has to pay.

One of the problems associated with this e-commerce method of shopping is that the user is never aware of the total amount to pay until ready to check out (i.e., until the checkout screen is displayed). At this instant, if the total amount exceeds the user's budget, the user then has to take items off of the shopping cart (by presumably returning to previous screens) until the total amount of the remaining items falls within the user's budget. This can be rather annoying and time consuming.

The present invention provides a means by which users can ascertain real costs of items before checking out. In accordance with the teachings of the invention, when a user needs to know the real cost of an item, before checking out (i.e., before proceeding to the checkout screen if you will), the user needs merely select the item and the real
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cost of the item will be calculated. The real cost of the item, in this case, includes the actual price of the item, plus shipping cost and/or sales tax when applicable.

The invention is set forth in claims of varying scopes of which Claim 1 is illustrative.

1. A method of providing a cost of an item to an e-commerce shopper **before the shopper checks out**, said method being performed by a data processor and comprising the steps of:

calculating the cost of the item selected by the shopper before the shopper checks out,, the real cost of the item including price of the item, shipping cost and sales tax if any; and

displaying the cost of the item.
(Emphasis added.)

Applicants believe that Blinn et al. does not anticipate the claimed invention nor render the invention obvious.

Blinn et al. purport to provide a method and system for processing electronic sales transactions. Accordingly, Blinn et al. teach a method in which consumers can navigate throughout a virtual store and select items for purchase by storing the selected items in a shopping cart. Particularly, Blinn et al. provide a system that presents an HTML page to a consumer. The HTML page includes option buttons that allow the consumer to browse about the virtual store. Further, the HTML page contains option buttons such as a shopping cart button and a check out button. The shopping cart button, when asserted, directs the system to display the shopping cart, including any items that the
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consumer may have placed therein while the check out button, when asserted, directs the system to initiate a sales transaction. The sales transaction may include an order form with the list of selected items and a subtotal. To buy the items in the cart, the consumer must further go to an acceptance HTML page where the subtotal, taxes, shipping costs and total amount of the sales transaction are all displayed to the consumer.

Thus, a consumer cannot know the real cost of an item until the consumer checks out. Hence, Blinn et al. do not teach, show or suggest ***calculating the cost of an item selected by a shopper where the real cost of the item includes the price of the item, shipping cost and sales tax if any before the shopper checks out.*** This is the crux of Applicants' invention (i.e., allowing an e-commerce consumer to know what an item really costs by adding the shipping cost of the item and any sales tax that may apply to the cost of the item before the consumer checks out). To ensure that the Examiner do take the crux of the invention into consideration, Applicants have amended the independent claims to include the phrase "***before the shopper checks out,***" although it is not needed since it is clear from the original preamble of the claims that the real cost of the items is calculated and provided to the shopper before the shopper has checked out.

Consequently, Applicants submit that Claim 1 and its dependent claims should be allowable. The other independent claims (i.e., Claims 10, 19 and 28) which all incorporate the emboldened and italicized limitations shown in Claim 1 reproduced above, including their dependent
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claims, should be allowable as well. Consequently,
reconsideration, allowance and passage to issue are once
more respectfully requested.

Respectfully submitted,
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